

SENATE JOINT RESOLUTION NO. 27

INTRODUCED BY HARRINGTON, BIXBY, BRANAE, CALLAHAN, CAMPBELL, CLARK, COHENOUR,
COONEY, EATON, ELLINGSON, ELLIOTT, GALLUS, GALVIN-HALCRO, GOLIE, GRINDE, GROESBECK,
HANSEN, JACOBSON, JOPEK, JUNEAU, LARSON, LASLOVICH, LINDEEN, MAEDJE, MATTHEWS,
MCALPIN, MOSS, NOONAN, RASER, SQUIRES, TOOLE, VILLA, WANZENRIED, WILLIAMS, WILSON,
DOWELL

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
MONTANA URGING THE MONTANA CONGRESSIONAL DELEGATION TO OPPOSE FEDERAL ASBESTOS
LEGISLATION THAT WOULD PAY COMPENSATION TO VICTIMS OF ASBESTOS-RELATED DISEASES
UNLESS THE LEGISLATION ENSURES THAT THE RESIDENTS OF LIBBY, MONTANA, WHO SUFFER
FROM ASBESTOS-RELATED DISEASES ARE INCLUDED WITHIN THE TERMS OF THE LEGISLATION AND
RECEIVE THE COMPENSATION THAT THEY NEED AND DESERVE.

WHEREAS, a screening conducted by the U.S. Agency for Toxic Substances and Disease Registry in
the year 2000 determined that over 1,100 individuals who had lived in Libby, Montana, for at least 6 months prior
to 1991 had abnormalities shown on x-ray films or spirometry that were indicative of adverse exposure to
asbestos; and

WHEREAS, although medical research on Libby tremolite asbestos disease is still ongoing and
publication of articles fully describing Libby tremolite asbestos disease is still a number of years away, present
research does establish that at least 76% of those suffering from Libby tremolite asbestos disease will
unfortunately progress from mild to more severe forms of the disease; and

WHEREAS, over 200 individuals are already reported to have died from Libby tremolite asbestos-related
disease and many more are expected to die of the disease; and

~~WHEREAS, the people of Libby were poisoned with tremolite asbestos for decades by W.R. Grace, a
company that lied to its workers and the community about the deadly dust to which it was exposing its workers,
their families, and the residents of Libby; and~~

WHEREAS, THE PEOPLE OF LIBBY ARE AFFLICTED WITH TREMOLITE ASBESTOS DISEASE, WHICH RESULTED
FROM EXPOSURE TO MINING ACTIVITIES BY W.R. GRACE; AND

WHEREAS, hundreds of civil lawsuits were filed in Montana courts seeking to hold W.R. Grace

1 accountable for the injuries and deaths ~~caused by its reckless conduct,~~ WHICH RESULTED FROM TREMOLITE
2 ASBESTOS EXPOSURE; and

3 WHEREAS, W.R. Grace filed for bankruptcy protection on April 2, 2001, thereby terminating prosecution
4 of the civil suits in Montana courts; and

5 WHEREAS, W.R. Grace is expected to pay from \$1.5 billion to \$2 billion for all its asbestos liabilities
6 in the bankruptcy proceeding; and

7 WHEREAS, federal asbestos legislation has been introduced in the U.S. Congress by Senate Judiciary
8 Committee Chairman Arlen Specter that will preempt all claims by Libby asbestos victims against W.R. Grace
9 and all other potential defendants; and

10 WHEREAS, the legislation would create a \$140 billion asbestos trust fund from which to pay
11 compensation to asbestos victims other than through the judicial system; and

12 WHEREAS, the federal asbestos legislation as presently drafted excludes Libby tremolite asbestos
13 victims from those who would be compensated from the trust fund for two reasons, those being that the vast
14 majority of Libby claimants have pleural disease caused by tremolite asbestos, not interstitial disease caused
15 by the far more common chrysotile asbestos, and because the medical criteria for compensation in the federal
16 legislation are based on chrysotile asbestos-induced disease; and

17 WHEREAS, physicians who are familiar with and who have treated hundreds of Libby tremolite asbestos
18 disease patients have carefully reviewed the criteria in the bill and do not believe that Libby tremolite asbestos
19 disease is covered by the bill; and

20 WHEREAS, the present value of all W.R. Grace's contributions under the federal asbestos legislation
21 amounts to \$424 million, which is a small percentage of the amount that W.R. Grace would have to pay for its
22 asbestos liabilities absent the federal asbestos legislation; and

23 WHEREAS, the principles of fundamental fairness and decency require that no further harm be done
24 to those suffering from Libby tremolite asbestos disease through the passage of federal asbestos legislation.

25
26 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
27 THE STATE OF MONTANA:

28 That the Legislature urge the Montana Congressional Delegation to oppose any federal asbestos
29 legislation that reduces the amount of compensation that Libby tremolite asbestos disease victims would
30 otherwise receive.

BE IT FURTHER RESOLVED, that in the event that federal asbestos legislation is passed, the Legislature urge the Montana Congressional Delegation to ensure that those suffering from Libby tremolite asbestos disease are covered by the legislation and get the compensation that they need and deserve.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the President of the United States, to the members of the Montana Congressional Delegation, and to all other members of the U.S. Congress.

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